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COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

COLOMBIA

1. The Committee considered the third periodic report of Colombia (E/1994/104/Add.2) at its 32nd, 33rd and 35th meetings on 21 and 22 November 1995 and adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report submitted by Colombia which largely complies with the guidelines for the preparation of reports. The written responses to the list of issues submitted to the Government as well the report of the Defensoría del Pueblo de Colombia (Ombudsman) were also informative and helpful to the Committee. The competence and frankness of the Government's representatives, as well as their willingness to respond to all the questions put by members of the Committee were also appreciated. Lastly, the Committee welcomes the information provided by non-governmental organizations, as well as the stated willingness of the Government to continue the dialogue with them.

* At its 54th meeting on 6 December 1995.

B. Positive aspects

3. The Committee notes with satisfaction the status of international human rights instruments in domestic law, the human rights provisions contained in the 1991 Constitution and the extensive programme of legislative reform aimed at improving respect for human rights and ensuring effective procedures of redress for violations of fundamental rights. It also takes note of the intention of the Government to ratify the San Salvador Protocol on Economic, Social and Cultural Rights.

4. The Committee welcomes the establishment of the Office for Human Rights, and of the Defensoría del Pueblo (Ombudsman), as well as the Commission mandated to follow up the international recommendations addressed to the Government of Colombia, and hopes that, in its next report, it will provide a detailed account of the activities and progress made by those bodies as well as the role played by the tutela mechanism established by the 1991 Constitution for the protection of economic, social and cultural rights.

5. The Committee takes note of the adoption of the Development Plan for the period 1994-1998 - the "Social Leap" - and acknowledges the efforts made by the Government to respond to the acute social problems affecting the country. Although aware of the persistence of these problems, it commends the Government's programmes to improve the social welfare system, enhance access to education, promote the rights of indigenous peoples and improve care for the homeless, particularly street children.

6. The Committee welcomes the Government's determination to respond to the problem of violence against women by reviewing relevant provisions of the criminal law and by improving its programmes on behalf of women. It also notes with satisfaction that Colombia intends shortly to ratify the Inter-American Convention on Violence against Women.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes with concern the persistence of a climate of wide-scale violence in Colombia, especially in the Uraba region. This factor seriously destabilizes the country and impedes the Government's efforts to ensure to all the full enjoyment of economic, social and cultural rights. The Committee notes that such violence is in part brought about by serious inequalities in society, such as enormous disparities in the distribution of national wealth, including land ownership.

8. The Committee notes that the frequent recourse to the establishment of state of emergency has adverse repercussions on the enjoyment of economic, social and cultural rights in Colombia.

D. Principal subjects of concern

9. The Committee is seriously concerned by the persistence of a high level of poverty affecting the majority of the country's inhabitants. In particular, the Committee notes with concern that Colombia's infant mortality rate is one of the highest in South America. While recognizing the Government's efforts to redress the situation, the Committee emphasizes that it is anomalous that such levels of poverty should persist in a country with a steadily expanding economy. The Committee expresses its concern at the disappointing results achieved by most programmes to combat poverty and improve living conditions,

especially since funds allocated in the budget for social expenditures have not been fully used for that purpose.

10. The Committee emphasizes the considerable importance of the problem of displaced persons, estimated at approximately 600,000. Hundreds of thousands of peasants have been uprooted and forced to migrate to the cities, where they swell the numbers of slum dwellers and are in effect unable to satisfy their most basic requirements. The primary reason for these displacements is the high level of violence in certain regions of the country.

11. The Committee stresses its concern over the existence of a high number of abandoned children, or street children, deprived of all their rights (family environment, education, health, housing, ...). The Committee is concerned by the fact that the "Community Mothers Programme" designed to help the children is insufficiently funded, bearing in mind the important social work accomplished by these women, without appropriate training and work conditions.

12. The Committee is concerned that the Government's action is not sufficiently energetic in order to eradicate the odious practice of the so-called "social cleansing" by which some criminal groups threaten and kill persons that they consider disposable, including children.

13. The Committee is concerned to note that the rule of law appears to have broken down in the Uraba region, and in particular that the State no longer ensures the provision for the community of the most basic social, educational and health services.

14. The Committee expresses concern about the extensive discrimination against women. For example, it is noted that the wages of women are on the average 30 per cent lower than those of men.

15. The Committee notes with concern the drop in the real value of wages. According to a report of the Defensoría del Pueblo, in March 1995, 23.8% of the active population, in the seven principal towns of the country, received the minimum legal wage (approximately US\$135) and 64.2% received less than two minimum legal wages. Thus, approximately 75% of the workers cannot afford to fill the "family basket", which costs two and a half minimum legal wages.

16. The Committee is seriously concerned about the violation of the right of many workers to form and join trade unions and to participate in collective bargaining and strike action. The Committee considers that the restrictions placed by law on the right to strike are far too extensive and cannot be justified by reasons of national security or public order. The Committee regrets that the present tripartite commission for trade union development does not have a mandate to consider these grave matters.

17. The Committee is concerned at the high rate of child labour, particularly in arduous and unhealthy occupations (such as brick making, mining) and at the insufficient action taken by the Government to combat such practice.

18. The Committee notes that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due, inter alia, to the insufficient number of labour inspectors.

19. The Committee notes with concern that there is a considerable shortfall of housing, amounting to 3.7 million units, and that many inhabitants live in precarious conditions in housing which does not correspond to the definition of adequate housing under article 11 of the Covenant and as detailed by the Committee.

20. The Committee notes that despite a series of governmental initiatives, effective access to education is limited in Colombia. The Committee is

particularly concerned that universal primary education, as provided for in the Covenant, is not yet attained. It is also concerned about the decline in the quality of secondary education and about the work situation of teachers.

E. Suggestions and recommendations

21. The Committee recommends that the Government, through its economic development programmes and a modification of the tax and fiscal system, now under consideration, address the problem of the inequitable distribution of wealth, with the object of effectively combating the poverty that characterizes the country. The Committee also recommends concerted efforts to improve the efficiency of Colombia's economic and social development programmes.

22. The Committee recommends that the Government continue to give priority to efforts to relieve the plight of indigenous communities, displaced persons, the homeless and other persons living on the margins of society. The Committee urges the Government to ensure that these persons' most basic needs are addressed, irrespective of any long-term strategy.

23. The Committee is of the view that the phenomenon of the so-called "social cleansing" has not been eradicated and it recommends the utmost vigilance in this regard, in particular, the punishment of the perpetrators of such crimes. The Committee also recommends that the root causes of this phenomenon be addressed with all means available to the Government.

24. The Committee urges that greater attention be given to the problem of discrimination against women and that programmes should be implemented towards the eradication of inequalities between men and women. Such programmes should, at the same time, aim to raise public awareness and interest in the economic, social and cultural rights of women.

25. The Committee recommends that the Colombian Government adopt all necessary measures to harmonize in practice its legislation on trade union freedom and collective bargaining with its international obligations in this regard.

26. The Committee also recommends that the Government take all necessary steps to ensure for all the right to free primary education. The Committee further recommends that the Government take measures to improve the quality of secondary education and the material condition of the teaching staff.

27. The Committee recommends that human rights education should be provided at all education levels, particularly in the primary education, and also in the training of police officers, members of security and armed forces, magistrates and judges.

28. The Committee also considers that the Colombian Government should:

(a) improve the training of "community mothers" and regularize their work situation, treating them for all purposes as workers in the employ of a third party;

(b) combat the practice of non-utilization of budget items earmarked for social expenditure in the State's overall budget and ensure that such appropriations are used for the purposes for which they were budgeted;

(c) improve the supply of housing, especially low-cost housing for the benefit of the poorest sectors, in urban areas and also in rural areas, and

allocate resources to provide the entire population with drinking water and sewerage services.

29. The Committee considers that it would be desirable to improve the system of social statistics based on relevant indicators, to ensure that the Government and all institutions concerned can objectively assess the problems and progress made in the area of economic, social and cultural rights.

30. The Committee recommends that Colombia make the best possible use of the technical assistance available to it by the United Nations Centre for Human Rights in cooperation with United Nations bodies and the appropriate specialized agencies, with a view to promoting the enjoyment and protection of economic, social and cultural rights for all.
